

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

UNIVERSITIES – Potti Sreeramulu Telugu University - Sri M.Ramachandar, O.S.D., Distance Education Center - Permission to regularize the services of Sri M.Ramachandar, O.S.D., Distance Education Center – Accorded – Orders – Issued.

HIGHER EDUCATION (UE.I) DEPARTMENT

G.O.Rt.No. 1207

Dated:23-12-2008
Read the following:

1. From the Vice Chancellor, Potti Sreeramulu Telugu University, Lr.No.PSTU/AS/T/2/96-2008/10, dt.06.06.08.
2. Govt. Lr.No.7607/UE.I/A1/2008-1, dt.25.07.2008.
3. From the Registrar, Potti Sreeramulu Telugu University, Lr.No.PSTU/AS/T/2/96-2008, dt.5.8.2008.

ORDER:

In the letter 1st read above, the Vice Chancellor, Potti Sreeramulu Telugu University, has stated that, in response to the University's notification dt.02.04.1994, Sri M.Ramachandar, who worked as Librarian in National Institute of Small Industry Extension Training Center, a Central Government Institution, has applied through proper channel for the post of Deputy Librarian. He was interviewed by the Selection Committee and appointed as such vide University's Procdgs. Dt.22.03.1996. He reported to duty on 27.03.1996 AN, by obtaining lien from his previous employer viz., National Institute of Small Industry Extension Training Center. After completion of two years of service in the University the probation of the individual was declared and the services of the individual were also regularized in the post of Deputy Librarian, with effect from 26.03.1996 vide University's Procdgs.No.PSTU/AS/T/2/96-99, dt.3.5.1999.

2. Sri C.Muralikrishna and two others, who were interviewed for the post of Deputy Librarian, but were not selected, have filed W.P.Nos.11252/96, 11877/96 and 18031/96 in High Court of Andhra Pradesh challenging the above appointment and the above said W.Ps. were dismissed by the single Judge of High Court on 11.4.1997. The petitioners have again filed W.A.No.1146/1997 against the orders of Single Judge in W.P.Nos.11252/96, 11877/96 and 18031/96 and the Hon'ble High Court while allowing the W.Ps. on 4.6.2002 has quashed the appointment of Sri M.Ramachandar and directed to consider the candidature of the petitioner appellants for the post of Deputy Librarian. The appointment of the individual was quashed mainly on the grounds that the individual did not possess the experience as University Assistant Librarian / College Assistant Librarian and specialization in an area of Information Technology/Archives and Manuscripts keeping or Masters degree in an area of thrust., which are prescribed in the Rules in force.

3. Aggrieved by the above judgment, Sri M.Ramachandar has filed an SLP No.12102/2002 in the Supreme Court against the orders of High Court in W.A.No.1146/1997, stating that he has not suppressed anything to secure the said employment. The Hon'ble Supreme Court, while dismissing the SLP at admission stage, has agreed with the above contention and observed that *"be that as it may, but we cannot grant ourselves any relief on that basis. At the same time, we make it clear that it is for the authorities, if they so desire, to consider the case of the petitioner for accommodating him in any alternate post or position as they deem fit"*.

4. The University has also filed SLP No.20900/2002 on 23.9.2002 in the Supreme Court of India against the Judgment of Hon'ble High Court in W.A.No.1146/97 and the Apex Court granted stay in so far as it relates to the confining the selection process only to the three remaining candidates.

5. In the meanwhile, the petitioners in W.A.No.1146/97 have filed a contempt petition No.1123/2002 on 24.09.2002 to implement the orders of the Division Bench to discharge Sri M.Ramachandar from service and to appoint one of them as Deputy Librarian as the Supreme Court dismissed the SLP filed by Sri M.Ramachandar and confirmed the judgment of the Division Bench in W.A.No.1146/97 and the Court served contempt notice on the University. Accordingly, Sri M.Ramachandar, was discharged from service vide University's Procdgs.No.PSTU/Admn/T.2/96-2002, dt.31.10.2002.

6. Subsequently, based on the Supreme Court observations in SLP No. 12102/2002 filed by Sri M.Ramachandar and also on the request made by the individual, the University authorities have appointed him as Officer on Special Duty, Center for Distance Education of the University with effect from 15.03.2003, against one of the vacant posts of Associate Professor in the minimum time scale applicable to the post i.e. 12000-420-18300 with allowances admissible thereon and without any relation to his previous service rendered in the post of Deputy Librarian, subject to condition that the appointment would continue till the final judgment of the Supreme Court is delivered in the matter.

7. The Supreme Court has finally disposed of the SLP filed by the University on 8.10.2004 and set aside the portion of the Division Bench order and directed that a fresh notification be issued and fresh selection be made for the post of Deputy Librarian without mentioning anything about the appointment of Sri M.Ramachandar in the alternate position. Thus, Sri M.Ramachandar is being continued as Officer on Special Duty in Distance Education Center in the minimum time scale of pay of Associate Professor viz., Rs.12000/- with allowances admissible from time to time.

8. Now, Sri M.Ramachandar, O.S.D., has requested the University authorities to absorb him as Associate Professor in Distance Education Center of the University with continuity of his earlier service rendered as Deputy Librarian along with the service that was transferred from National Institute Of Small Industry Extension Training Center retrospectively for the purpose of his pay, increments, terminal and other benefits.

9. The Vice-Chancellor, Potti Sreeramulu Telugu University, has stated that the individual is not at fault at any stage. He was selected through the Selection Committee and his services are good and unblemished and his lien in the parent Department (National Institute Of Small Industry Extension Training Center) was also cancelled and now he cannot go back. He has put in 31 years of service both in parent institution (National Institute Of Small Industry Extension Training Center) and at University (25 Years + 6 years) before he was discharged from service and he is being continued as O.S.D. purely on temporary basis for no fault of him. Despite his long service, he has to go without any pensionary benefits. As such, the Vice Chancellor, Potti Sreeramulu Telugu University has requested the Government to consider the case of Sri M.Ramachandar, sympathetically and requested for permission to appoint the individual as O.S.D., in the Central Office of Distance Education Center, with retrospective effect i.e. w.e.f.15.03.2003, against one of the vacant posts of Associate Professor duly protecting the pay drawn by him in the earlier post of Deputy Librarian and to count his past service rendered as Deputy Librarian and also the service in National Institute Of Small Industry Extension Training Center as qualifying service for purpose of Pensionary and other attendant benefits.

10. Government, after careful examination of the matter, have agreed to the proposal and hereby accord permission to the Vice-Chancellor, Potti Sreeramulu Telugu University, Hyderabad, to regularize the services of Sri M.Ramachander, Officer on Special Duty in the Centre for Distance Education of the University, with retrospective effect i.e. with effect from 15.03.2003, the date on which the individual joined as Officer on Special Duty, against one of the vacant posts of Associate Professors in the University duly protecting his pay drawn in the earlier post of Deputy Librarian on notional basis and also to count his past service rendered as Deputy Librarian and the service rendered in the National Institute Of Small Industry Extension Training Center as qualifying service duly condoning the gap period from 01.11.2002 to 14.03.2003 for purpose of pensionery and other attendant benefits in terms of Rule 23 and also in relaxation of Rules 32, 46 of the Pension Rules for the University Teachers 1992.

11 This order issues with the concurrence of Finance (Pension.I) Department vide their U.O.No.28828/420/A1/Pen.I/2008, dated.23.10.2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Vice Chancellor, Potti Sreeramulu Telugu University, Hyderabad.
Copy to:
The Accountant General, Andhra Pradesh, Hyderabad.
The Registrar, Potti Sreeramulu Telugu University, Hyderabad.
The Individual through Registrar, PSTU, Hyderabad.
The Pay and Accounts Officer, Hyderabad
SF/SC

// FORWARDED BY ORDER //

SECTION OFFICER